

COUNCIL OF THE DISTRICT OF COLUMBIA

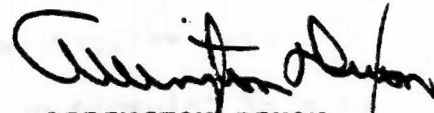
NOTICE

D.C. Law 3-149

"District of Columbia Public Emergency Act of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-198 on first and second readings, September 30, 1980 and October 14, 1980, respectively. Following the signature of the Mayor on October 29, 1980, this legislation was assigned Act No. 3-274, published in the November 7, 1980 edition of the D.C. Register, (Vol. 27 page 4886). This act was originally transmitted to Congress on November 7, 1980, and resubmitted on January 14, 1981 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 3-149, effective March 5, 1981.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
February	2, 3, 4, 5, 6, 17, 18, 19, 20, 23, 24, 25, 26, 27,
March	2, 3, 4

D.C. LAW 3-149
EFFECTIVE DATE MAR 05 1981

AN ACT

D.C. ACT 3-27 1/4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 29 1980

To authorize the Mayor to take certain actions in connection with a public emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA.

That this act may be cited as the "District of Columbia Public Emergency Act of 1980".

Sec. 2. As used in this act the term:

(1) "Emergency Operations Plan" means the District of Columbia's State Plan for public emergency preparedness and prevention prepared pursuant to section 201 of the Disaster Relief Act of 1974, approved May 22, 1974 (88 Stat. 143; 42 U.S.C. sec. 5121) and section 3.

(2) "Mayor" means the Mayor of the District of Columbia or his or her designated agent.

(3) "Public emergency" means any disaster, catastrophe, or emergency situation

CODIFICATION
D.C. Code,
sec. 6-1001

where the health, safety, or welfare of persons in the District of Columbia is threatened by reason of the actual or imminent consequences within the District of Columbia of: (a) enemy attack, sabotage or other hostile action; (b) severe and unanticipated resource shortage; (c) fire; (d) flood, earthquake, or other serious act of nature; (e) serious civil disorder; (f) any serious industrial, nuclear, or transportation accident; (g) explosion, conflagration, power failure; or (h) injurious environmental contamination which threatens or causes damage to life, health, or property.

(4) "Resource" means, but is not limited to, natural gas, heating fuel, automotive fuel, electricity, water, and food.

Sec. 3. The Mayor may establish a program of public emergency preparedness that utilizes the services of all appropriate agencies (including the Office of Emergency Preparedness) and the program shall include, but not be limited to:

D.C. Code,
sec. 6-1002

(a) development of an Emergency Operations Plan which would:

(1) set forth a comprehensive and detailed District of Columbia state program for preparation against and assistance following emergencies and major disasters, including provisions for assistance to individuals, businesses, and affected designated subdivisions of the District of Columbia; and

(2) include provisions for: appointment and training of appropriate staffs; formulation of necessary regulations and procedures; and conduct of required exercises;

(b) post public emergency evaluations;

(c) periodic review of programs; and

(d) coordination of federal and state

preparedness programs.

The Mayor shall publish in two (2) consecutive editions of the District of Columbia Register, for notice and comment, any program or plan for public emergency preparedness prepared pursuant to this act. The publication shall, at a minimum, state the subject matter of the program or plan and the specific manner in which a complete copy can be

obtained or reviewed and commented upon prior to the transmittal of the plan or program to the Council of the District of Columbia.

Sec. 4. (a) The Mayor shall transmit to the Council of the District of Columbia complete copies of any existing plan or program prepared pursuant to section 201 of the Disaster Relief Act of 1974, approved May 22, 1974 (88 Stat. 143; 42 U.S.C. sec. 5121) within thirty (30) calendar days of the effective date of this act. The plan or program shall be valid only if the Council of the District of Columbia does not adopt, within (30) days (excluding Saturdays, Sundays, holidays and days on which the Council of the District of Columbia is in recess according to its rules) after the receipt of the plan or program from the Mayor, a resolution disapproving the plan or program.

D.C. Code,
sec. 6-1003

(b) The Mayor shall transmit to the Council of the District of Columbia complete copies of any plan or program prepared pursuant to this section within thirty (30) calendar days of the completion of the plan or program. The plan or program shall be valid only if the Council of the District of

Columbia does not adopt, within thirty (30) days (excluding Saturdays, Sundays and holidays and days on which the Council of the District of Columbia is in recess according to its rules) after receipt of the plan or program from the Mayor, a resolution disapproving the plan or program.

Sec. 5.(a) Upon reasonable apprehension of the existence of a public emergency and the determination by the Mayor that the issuance of an order is necessary for the immediate preservation of the public peace, health, safety, or welfare, and as a prerequisite to requesting emergency or major disaster assistance in accordance with the Disaster Relief Act of 1974, approved May 22, 1974 (88 Stat. 143; 42 U.S.C. sec. 5121) the Mayor may issue an Emergency Executive Order which shall state:

D.C.Code,
sec. 6-1004

(1) The existence, nature, extent, and severity of the public emergency;

(2) The measures necessary to relieve the public emergency;

(3) The specific requirements of the Order and the persons upon whom the Order is binding; and

(4) The duration of the Order.

(b) Upon the issuance of an Emergency Executive Order the Mayor may:

(1) Expend such funds appropriated to the District of Columbia government sufficient to carry out public emergency service missions and responsibilities;

(2) Implement those provisions of the District of Columbia Emergency Operations Plan as issued by the Mayor, without regard to established operating procedures relating to the performance of public works, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditure of public funds: PROVIDED, That this paragraph shall apply only to employees of the District of Columbia government;

(3) Prepare for, order, and supervise the implementation of measures designed to protect persons and property in the District

of Columbia. Such measures may include the evacuation of persons in the District of Columbia to such emergency shelters within the District of Columbia as the Mayor may designate, or such shelters outside the District of Columbia as the Mayor may designate with the approval of the Governor of the State to which District of Columbia citizens are to be evacuated, and provision for the reception, sheltering, maintenance, and care of such evacuees. Evacuation of any personnel or activity of the federal government shall take place only with the consent of the President of the United States or the President's designee: PROVIDED, That upon agreement between the Federal and District of Columbia governments, any prearranged evacuation plan shall constitute such consent;

(4) Require the shutting off, disconnection, or suspension of service from or by, gas mains, electric power lines, or other public utilities;

(5) Destroy or cause to be destroyed any property, real or personal, in the District of Columbia, found to be contaminated by any matter or substance which renders it deleterious to life or health, and by reason of such contamination is of immediate or imminent danger to persons or property; to cause the removal from the District of Columbia or from place to place within the District of Columbia of any contaminated property; and to prohibit persons from contacting or approaching such property so as to endanger their lives or health;

(6) Issue orders or regulations to control, restrict, allocate, or regulate the use, sale, production and distribution of food, fuel, clothing, and other commodities materials, goods, services, and resources as required by the Emergency Operations Plan or by any Federal emergency plan;

(7) Direct any person or group of persons, in the District of Columbia, to reduce or otherwise alter the hours during which they conduct business or similar

activity at premises established and maintained for a business and to direct any person or group, or class of persons, within the District of Columbia, to remain off the public streets in the event that any public emergency requires that the Mayor institute a curfew;

(8) Establish such public emergency services units as he or she may deem appropriate;

(9) Expand existing departmental and agency units within the District of Columbia Government concerned with public emergency services;

(10) Exercise operational direction over all District of Columbia Government departments and agencies during the period when an Emergency Executive Order may be in effect;

(11) Procure supplies and equipment, institute training programs and public information programs and take all other preparatory steps, including the partial or full mobilization of public emergency services

units in advance of actual disaster, to insure the furnishing of adequately trained and equipped personnel during a public emergency. Such programs shall be integrated and coordinated with the emergency services plans and programs of the federal government and of the neighboring States and political subdivisions thereof:

(12) Request predisaster assistance or the declaration of a major disaster from the federal government, certify the need for federal disaster assistance and commit the use of a certain amount of District of Columbia government funds to alleviate the damage, loss, hardship, and suffering resulting from the disaster; or

(13) Prevent or reduce harmful consequences of disaster.

Sec. 6. In addition to disaster prevention measures included in District of Columbia government and interjurisdictional public emergency plans, to prevent or manage the harmful consequences of a disaster, and consistent with the provisions of other law, the Mayor shall, when

D.C. Code,
sec. 6-1005

appropriate, issue regulations or recommend legislation to the Council of the District of Columbia relating to flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use, land use planning, and construction standards.

Sec. 7.(a) Any Emergency Executive Order issued by the Mayor shall be effective for a period of no more than fifteen (15) calendar days from the day it is signed by the Mayor, but may be rescinded in whole or in part by the Mayor within that period should the Mayor determine that the public emergency no longer exists, or no longer warrants the part rescinded.

D.C.Code,
sec. 6-1006

(b) An Emergency Executive Order may be extended for up to an additional fifteen (15) day period, only upon request by the Mayor for, and the adoption of, an emergency act by the Council of the District of Columbia.

(c) Should extenuating circumstances, such as death, destruction or other perilous conditions prohibit the convening of at least two-thirds (2/3) of the members of the Council of the

District of Columbia for consideration of emergency legislation, the Mayor shall make a reasonable attempt to consult with those members of the Council of the District of Columbia not affected by death, destruction, or other perilous conditions, after which the Mayor may extend the Emergency Executive Order for up to fifteen (15) days.

(d) Upon the issuance of any Emergency Executive Order, as soon as practicable given the condition of the emergency, the order shall be published in the District of Columbia Register, in two (2) daily newspapers of general circulation in the District of Columbia, and shall be posted in such public places in the District of Columbia as the Mayor determines by regulation.

(e) The Mayor may adopt and implement such rules and regulations as the Mayor finds necessary to carry out the purposes of this act, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.).

(f) The Mayor may join or enter into, on behalf of the District of Columbia government,

regional programs, and agreements with the Federal Government, neighboring States, and political subdivisions thereof, for the coordination of disaster preparedness programs.

Sec. 8. An Emergency Executive Order issued by the Mayor may provide for a fine of not more than \$1000 for each violation. The Corporation Counsel of the District of Columbia or any Assistant Corporation Counsel may bring an action in the name of the District of Columbia against anyone who has violated the provisions of an Emergency Executive Order issued pursuant to this act.

D.C.Code,
sec. 6-1007

Sec. 9. No action taken pursuant to an Emergency Executive Order issued by the Mayor pursuant to this act shall be subject to section 109 (the contested case provisions) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1509), until after the expiration date of the Emergency Executive Order.

D.C.Code,
sec. 6-1008

Sec. 10. An act to authorize black-outs in the District of Columbia, and for other purposes.

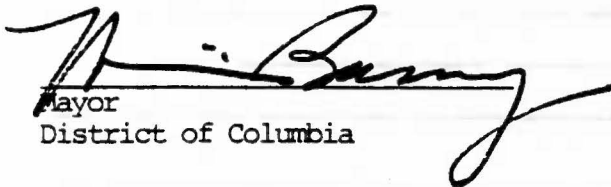
D.C.Code,
sec. 6-1001 et se

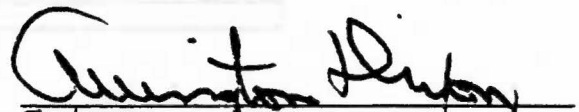
approved December 26, 1941 (55 Stat. 858; D.C. Code, sec. 6-1001 et seq.) is repealed.

Sec. 11. The Energy Resources Shortages Act of 1977, effective April 20, 1978 (D.C. Law 2-74; D.C. Code, sec. 6-2301 et seq.) is repealed.

D.C. Code,
sec. 6-2301 et seq.

Sec. 12. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).


Mayor
District of Columbia


Chairman
Council of the District of Columbia

APPROVED: October 29, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-198

ACTION: Adopted First Reading (9-30-80)

VOICE VOTE: Unanimous

Absent: Moore

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
FARVIS					ROTARK									

CERTIFICATION OF RECORD

John D. Brown
Secretary to the Council

ACTION: Adopted Final Reading (10-14-80)

VOICE VOTE: Unanimous

Absent: Hardy

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
FARVIS					ROTARK									

CERTIFICATION OF RECORD

John D. Brown
Secretary to the Council

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
FARVIS					ROTARK									

CERTIFICATION OF RECORD

Secretary to the Council